

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2, 12, and 13 are requested to be cancelled.

Claims 1 and 3-11 are currently being amended.

This amendment changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1 and 3-11 are now pending in this application.

Claim Rejections under 35 U.S.C. § 112

Claims 1-13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In response, Applicant respectfully submits that the amendments to the claims renders the rejection moot. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 3-5, and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,423,443 (“Keller 1”). Claims 12-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,918,772 (“Keller 2”). In response, without agreeing or acquiescing to the rejection, Applicant amends independent claim 1 and cancels independent claim 12. Applicant respectfully traverses the rejection for the reasons set forth below.

Applicant relies on M.P.E.P. § 2131, entitled “Anticipation – Application of 35 U.S.C. § 102(a), (b) and (e)” which states, “a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single

prior art reference.” Applicant respectfully submits that Keller 1 does not describe each and every element of the claims.

Claim Rejection under 35 U.S.C. § 102(b)- Keller 1

Claim 1 is directed to a dispensing device including, amongst other things, “the stopper, external surfaces of outlets of the dispensing device, and a wall interior of the locking ring comprise mutually cooperating means for lifting off the stopper from the dispensing device or moving it toward the dispensing device as the locking ring is rotated, and wherein the mutually cooperating means are ridges on the external surfaces of the outlets, each comprising a traction slope on its upper side and a tightening slope on its lower side, and corresponding ring ridges on an inside of the locking ring that are each provided with a traction slope on their lower sides and with a tightening slope on their upper sides.” At least paragraphs 4, 5, 15, and 16 of the published application provide support for claim 1. One object of the invention is to provide a bayonet lock for displacing the stopper by means of the locking ring in such a manner that the stopper is not only moved toward the dispensing device for its closure but also capable of being lifted off therefrom and therefore exerts a traction force. Conventional bayonet locks cannot exert traction forces.

According to one embodiment, a stopper is lifted off from a cartridge through rotation. The outlet end of a double cartridge comprises two storage containers, separate outlets, a locking ring, and a stopper. An outlet flange having two opposed flange ridges is arranged in the end area of the two outlets. Each flange includes on its lower side a tightening slope and on its upper side a traction slope, said slopes being oblique. Tightening and traction slopes on the outlet flange of the cartridge cooperate with corresponding tightening and traction flanges inside the locking ring.

The Office asserts on page 2 of the Office Action that Keller 1 anticipates unamended claim 1. Applicants respectfully disagree. Keller 1 is directed to a closure stopper for a dispensing cartridge. See Keller 1, abstract. Keller 1 discloses a stopper with a screw ring. See Keller 1, col. 2, lines 16-17. A disk can be slid over the upper rim of the screw ring. See Keller 1 col. 2, lines 27-30. In another embodiment, Keller 1 discloses a bayonet lock that

may be used to secure the stopper on the dispensing opening instead of a screw ring. See Keller 1, col. 3, lines 9-11. The bayonet lock utilizes notches to secure the bayonet lock to the dispensing cartridge instead of threads as used in the screw ring. See Keller 1, col. 3, lines 9-14. Thus, Keller 1 discloses using a stopper with a traction disk for removing the stopper by unscrewing the couple ring. While the threaded coupling ring provides a relatively large travel for lifting off the stopper, Keller 1 discloses a conventional bayonet lock. A conventional bayonet lock cannot exert a traction force. Thus, Keller 1 fails to disclose, “the stopper, external surfaces of outlets of the dispensing device, and a wall interior of the locking ring comprise mutually cooperating means for lifting off the stopper from the dispensing device or moving it toward the dispensing device as the locking ring is rotated.”

Further, Keller 1 fails to disclose, the mutually cooperating means are ridges on the external surfaces of the outlets, each comprising a traction slope on its upper side and a tightening slope on its lower side, and corresponding ring ridges on an inside of the locking ring that are each provided with a traction slope on their lower sides and with a tightening slope on their upper sides.” The Office agrees on pages 3-4 of the Office Action that Keller 1 fails to disclose the aforementioned limitation. Thus, Keller 1 fails to disclose all of the limitations of claim 1.

M.P.E.P. § 2131 states that “[t]he identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Here, for the reasons set forth above, Keller 1 does not disclose the invention in as complete detail as disclosed in independent claim 1. Accordingly, Applicant respectfully requests that the rejection be withdrawn and independent claim 1 be allowed. Further, claims 3-5 and 11 depend from independent claim 1 and should therefore be allowable for the reasons set forth above without regard to further patentable limitations cited therein.

Claim Rejection under 35 U.S.C. § 102(b)- Keller 2

Claims 12-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,918,772 (“Keller 2”). Claims 12-13 have been cancelled. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Keller 1 in view of U.S. Patent No. 4,423,443 (“Stanford”). Claim 2 has been cancelled and included in independent claim 1. Applicant respectfully traverses the rejection for the reasons set forth below.

Applicant relies on M.P.E.P. § 2143, which states that to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation in the prior art to modify the reference. Second, there must be a reasonable expectation of success. Third, the prior art must teach or suggest all the claim limitations.

Claim 1 is directed to a dispensing device including, amongst other things, “the mutually cooperating means are ridges on the external surfaces of the outlets, each comprising a traction slope on its upper side and a tightening slope on its lower side, and corresponding ring ridges on an inside of the locking ring that are each provided with a traction slope on their lower sides and with a tightening slope on their upper sides.” The mutually cooperating means lifts off the stopper from the dispensing device or moves it toward the dispensing device.

Keller 1 and Stanford do not disclose, teach or suggest each and every element of independent claim 1. Keller 1 is discussed above. Stanford is directed to a filter assembly. See Stanford, abstract. To lock a cartridge and unlock it from a mounting head the connecting means on the cartridge and on the head are formed as cooperating bayonet-type fittings. See Stanford, col. 5, lines 22-25. The fittings are provided with mating cam surfaces to draw the cartridge into the mounting head. See Stanford, col. 5, lines 25-28. As the cartridge is axially rotated in a counterclockwise direction from the position shown in Figure 7a to the position shown in Figure 7b, the mating cams on the cartridge ears and mounting

head lugs engage and ride over one another to draw the cartridge upwardly into the head cavity. See Stanford, col. 5, lines 46-50. Stanford also discloses that to open the safety shut-off valve, the cartridge is axially rotated from the position shown in Figures 7b and Figure 8b to the position shown in Figures 7c and 8c. See Stanford, col. 5, lines 61-63. The valve operating means on the cartridge is in the form of a pair of inclined cams on the outer end of the upwardly projecting annular collar. See Stanford, col. 5, lines 63-67.

Thus, Stanford discloses fixing the head onto the cartridge and discloses opening the valve. But, Stanford does not disclose, “the mutually cooperating means are ridges on the external surfaces of the outlets, each comprising a traction slope on its upper side and a tightening slope on its lower side, and corresponding ring ridges on an inside of the locking ring that are each provided with a traction slope on their lower sides and with a tightening slope on their upper sides.” In addition, Keller 1 fails to cure the deficiencies of Stanford. Accordingly, Applicant respectfully request that the rejection be withdrawn and independent claim 1 be allowed. Further, claims 3-11 depend from independent claim 1 and should therefore be allowed for the reasons set forth above without regard to further patentable limitations cited therein.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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